

### REMARKS

#### I. Introduction.

Claims 1-10 are pending, and stand rejected. Claim 8 was objected to because of an informality. Claims 1-2, 6, and 8 were rejected under 35 U.S.C. Section 102(b). Various claims or groups of claims were rejected under 35 U.S.C. Section 103(a). Claims 1-10 were also provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. Claims 11-15 have been added.

#### II. The Objection to Claim 8.

Claim 8 has been amended in a manner that removes the informality.

#### III. The 35 U.S.C. Section 102 Rejection.

Claims 1-2, 6, and 8 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 5,804,546 issued to Hall.

The Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn. The Hall reference is directed to a cleaning composition that is provided in the form of two components, each of which is required to be contained in a separate compartment of a container. The Hall reference does not teach or disclose a foam-generating kit comprising a high viscosity dishwashing composition as described in Claims 1-2, 6, and 8. The Hall reference does not teach or disclose a foam-generating kit comprising a high viscosity dishwashing composition wherein the surfactant system comprises from about 30% to about 99% of the high surfactant dishwashing composition as described in Claim 2. The Hall reference also does not teach or disclose a foam-generating kit comprising a single compartment container as described in Claim 8. In view of the foregoing, the Applicants respectfully request that this rejection be reconsidered and withdrawn.

#### IV. The 35 U.S.C. Section 103(a) Rejections.

##### A. Claims 1-4 and 6-10.

Claims 1-4 and 6-10 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,635,469 issued to Fowler.

The Office Action states that it would have been obvious to one of ordinary skill in the art to reasonably expect the foam to weight ratio of Fowler to be within those recited because similar ingredients contained in non-aerosol containers have been utilized.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Fowler, et al. reference discloses foaming cleansing products. As stated in the Office Action, the Fowler, et al. reference mentions several types of products: skin and hair care products and cleaning products, such as hand soap, shampoo, body soap, hair mousse, shaving foam and kitchen cleansers. The Office Action also states that the Fowler, et al. reference discloses that the compositions therein can be in the form of stable emulsions. However, the Office Action does not state that the Fowler, et al. reference discloses dishwashing compositions comprising at least one of a microemulsion and a protomicroemulsion.

**B. Claim 9.**

Claim 9 was alternatively rejected under 35 U.S.C. Section 103(a) as being unpatentable over Fowler in view of U.S. Patent 3,422,993 issued to Boehm, et al.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use sponge as the porous media in the dispenser of Fowler because it is known from Boehm that the common porous media in foam dispensing devices are sponges.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The combination of references does not teach or disclose a foam-generating kit comprising a high viscosity dishwashing composition as described in Claim 9, and, therefore, does not render obvious the foam-generating kit described in Claim 9.

**C. Claim 5.**

Claim 5 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Fowler in view of U.S. Patent 5,679,630 issued to Baeck, et al.

The Office Action states that it would have been obvious to one of ordinary skill in the art to incorporate enzymes into the composition of Fowler as taught by Baeck.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The combination of references does not teach or disclose a foam-generating kit comprising a high viscosity dishwashing composition as described in Claim 5, and, therefore, does not render obvious the foam-generating kit described in Claim 5.

**V. The Double Patenting Rejection.**

Claims 1-10 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending application No. 10/787,343 in view of U.S. Patent 5,663,136, Van Dijk, et al.


A Terminal Disclaimer was submitted in copending application No. 10/787,266, which should obviate the provisional obviousness-type double patenting rejection.

VI. Summary.

All of the rejections have been addressed. A Notice of Allowance is respectfully requested.

Respectfully submitted,  
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